IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3277 of 2005

Between:

Gogineni Satyanarayana, S/o.Raghavaiaha,
R/o.Sambavaram Village, Gosapadu Mandal, Allagadda Taluk,
Kurnool District.

..... PETITIONER

AND

1 The Station House officer, III Town, police Station, Noonepally, Nandyala, Kurnool District.
2 The Deputy Superintendent of police, Nandyala, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly in the nature of writ or Mandamus or any other appropriate writ declaring the action of the Respondents in harassing the petitioner and his family members without following any due process of Law as illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently restrain the Respondents herein not to harass the petitioner and his family Members in the Transaction in between Mr.Yellappa and Jugal Kishore Agarwal and to pass such other order or orders in the interest of justice.

Counsel for the Petitioner: MR.SRINIVAS POLAVARAPU

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following :

ORAL ORDER:

The grievance of the petitioner is that he is being harassed by the respondents without there being any valid reason, with regard to the civil disputes belong to the third parties, with which he is not at all connected.

The learned counsel for the petitioner submits that merely because the petitioner is a friend of those third parties between whom there is a civil dispute in connection with money transaction, the petitioner is being harassed by being called regularly to the Police station and making him wait there, for no reason. He further submits that the respondents also damaged the property of the petitioner.

In this connection it is to be seen that unless and until any complaint is given against petitioner, the respondents cannot proceed against the petitioner in any manner. Therefore, if really there is any complaint against the petitioner, the investigating agency shall always have the liberty/duty to investigate into the matter and take appropriate action against the petitioner in accordance with law. But, here, no cause is forthcoming as to whether there was any complaint being made against the petitioner or any investigation was ever conducted against the petitioner in connection with any crime.

In the light of the above facts and circumstances of the case, the writ petition is disposed of at the stage of admission with a direction to the respondents that they shall not take any coercive steps against the petitioner unnecessarily and interfering with the rights of the petitioner guaranteed under Article 21 of The Constitution of India. However, it is clarified that if there is any complaint against the petitioner, the respondents are at liberty to investigate into the same, strictly in

accordance with law.

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kvsn 02-03-2005

Note:

Operative portion of the order

May be given at wire at the

Party’s cost.

B/O

K V S N.

To

1 The Station House officer, III Town, police Station, Noonepally, Nandyala, Kurnool District.
2 TLHe Deputy Superintendent of police, Nandyala, Kurnool District.

3 Two CCs to the GP for Home, High Court buildings, Hyderabad (out)

4 Two CD copies.

HON'BLE SRI JUSTICE D.S.R. VARMA

WRIT PETITION NO. 3277 OF 2005

ADVANCE ORDER:

The writ petition is disposed of at the stage of admission with a direction to the respondents that they shall not take any coercive steps against the petitioner unnecessarily. However, it is clarified that if there is any complaint against the petitioner, the respondents are at liberty to investigate into the same, strictly in accordance with law, without interfering with the rights of the petitioner guaranteed under Article 21 of The Constitution of India.

02-03-2005

Note:

The bundle may be sent to the

C.M. section after the operative portion

of the order being communicated to the parties.

B/O

KVSN